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11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 FRANCES MAGLIARO,  
14 Plaintiff,

15 v.

16 GEICO CASUALTY COMPANY, and DOES I  
17 through X, inclusive,  
18 Defendants.

CASE NO.: 2:11-cv-00758-KJD-PAL

STIPULATION AND ORDER TO  
REMAND TO STATE COURT AND LIMIT  
RECOVERABLE DAMAGES TO \$75,000

19 Plaintiff, FRANCIS MAGLIARO ("Plaintiff"), and Defendant GEICO CASUALTY  
20 COMPANY ("Defendant"), by and through their respective counsel of record, stipulate as  
21 follows:

22 1. This action was originally filed in the Eighth Judicial District Court, State of  
23 Nevada, on April 6, 2011, and thereafter removed to this Court on May 11, 2011 on grounds  
24 of diversity of citizenship.

25 2. This case involves alleged claims for underinsured motorist benefits, bad faith  
26 and violation of the Unfair Claims Practices Act. Prior to making an underinsured motorist  
27

1 claim against the Defendant, Plaintiff recovered \$20,000.00 from the tortfeasor's insurance  
2 company, and \$1,000.00 in medical payments benefits from Defendant under Plaintiff's auto  
3 insurance policy with Defendant. Defendant is entitled to an offset of \$21,000.00 against  
4 Plaintiff's total damages for the \$20,000.00 recovered from the tortfeasor's insurance  
5 company and the \$1,000.00 in medical payments benefits received from Defendant under  
6 Plaintiff's policy with Defendant.

7 3. Plaintiff stipulates that her total damages on all claims and causes of action  
8 asserted or to be asserted in this action do not and will not exceed the sum of Seventy-Five  
9 Thousand and 00/100 Dollars (\$75,000.00), after application of the applicable \$21,000.00  
10 offset and exclusive of costs, interest and attorneys fees. This stipulation that Plaintiff's total  
11 damages in this action do not exceed \$75,000.00 applies to any all claims arising out of or  
12 relating to this action, regardless of claim or theory of liability and regardless of whether  
13 presently pled or not, and applies to all damages whether general, special, punitive or  
14 otherwise.

15 4. Pursuant to this Stipulation, under no circumstances can Plaintiff recover more  
16 than \$75,000.00 from Defendant, exclusive of costs, interest and attorneys fees, and Plaintiff  
17 stipulates that she will neither seek nor accept any award of damages in this action greater  
18 than \$75,000.00. In no event shall judgment be entered in favor of Plaintiff in an amount in  
19 excess of \$75,000.00, exclusive of costs, interest and attorneys fees.

20 5. By entering into this Stipulation, Defendant neither acknowledges nor concedes  
21 liability or damages with respect to any claims brought by Plaintiff in her Complaint, whether  
22 original or as may be amended.

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4828-9211-1881.1

6. This action shall be remanded to the Eighth Judicial District Court for Clark County, State of Nevada, for all further proceedings.

Dated this 10<sup>th</sup> day of June, 2011.

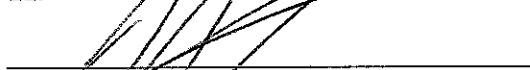
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Dated this 9<sup>th</sup> day of June, 2011.

**LEWIS BRISBOIS BISGAARD & SMITH  
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**ORDER**

IT IS SO ORDERED.

Dated this 14 day of June, 2011.



UNITED STATES DISTRICT COURT JUDGE

Submitted By:

**LEWIS BRISBOIS BISGAARD & SMITH LLP**



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